S. App. F. IX-4]

revious References.

Legs 38-A-1

ater References.

Legs **File No.** 38-C
Serial Nos. 1

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One only

Part B for May 1947

SUBJECT.

Probate and Administration Amendment Act 1947

To

The Controller Mysore Gazette

R-1317 Legs 38-41-1 dated 27-1-47

Directs the publication of the

From

The Registrar, the High Court of Mysore

D. Dis no 288/35-40 dated 2nd May 194.

suggesting an amendment of the Probate and Administration Act.

Under the second proviso to section 2 of the Probate and Administration Act,1914, no Court shall receive applications for probate or letters of adminsistration until the Government has, by a notification in the official Gazette, authorised it to doso.

But under section 51, it is stated that the District Judge shall have jurisdiction in granting and revoking probates and letters of administration in all cases within his district.

The result is that only District Judges can receive such applications and that too only when specifically empowered by Government. On this view a notification was issued in 1914.

But under section 52, the Government may appoint other judicial officers to act for the District Judge as Delegates to grant probate and letters of administration in <u>non-contentious cases</u>.

The High Court suggest that action should be taken to encourage parties to apply for probate and letters of adminsitration and it would be convenient to empower subordinate judges at District Headquarters other than Bangalore, Mysore and Shimoga. By virtue of section 52 this can only be in non-contentious cases. They therefore suggest an amendment of the Act.

Under section 52 such delegation is possible. If the expression "non-contentious cases" is removed from

hat section, then perhaps, subordinate judges could e empowered as recommended by the High Court, by the ssue of a notification under the powers given by hat section.

A draft of a Bill making this ~~xxxx~~ amendment is ut up. If approved, the High Court will be consulte hether the Bill will not meet their requirements, and urther action taken thereafter.

Submitted with a draft to the High Court.

Issued P 2168 Govt dated 29-10-40 to the High Court

from

The Registrar High Court of Mysore

D. Dis no 16/41-42 dated 15th July 1941

forwarded a draft Bill for Consideration of Govt

The High Court suggested the amendment of the Probate and Administration Act, 1914, to enable Government to empower Subordinate Judges also to grant Probate and letters of administration as they were of opinion that parties should be encouraged to apply for Probate and letters

A draft Bill was prepared and sent to the High Court for opinion. A draft Bill prepared by them and considered necessary to carry out their Purpose, has now be sent for Consideration.

All the amendments suggested are

Probate and administration (amendment)

General and Revenue Secretariat | File No. 38/41 of 194 | [App. F. III-2

Serial No.

intended to effect changes necessary to place a District Delegate in the same position as a District Judge under the Act.

If approved action will be taken to place the general principles of the Bill before the ensuing session of the R.A. in October and to introduce the Bill thereafter in the L.C.

A statement of general principles of the Bill is also put up for consideration.

Law Secy.) 17/7

May be approved

Minister) Hm 21/7/41

Please see the amendment to Law Statement of O & R.

21-7-41

22/7/41

This is a council matter and may be disposed of by circulation

Dewan) Hm 24/7/41

Sms 24.7.

Mlle 25/7/41

for circulation

Chief Secy) Mc. Hm 25/7/41

For Disposal by Circulation. **No. C. 77**

of 1941-4

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

Bill to amend the Probate and Administration Act 1914.

Circulated to the Council of Ministers.

By Order,

Chief Secretary to Government.

26th July 1941

Minister for Finance and Revenue. (on deputation)

Minister for Law. (seen)

1005 28/7/41 **Minister for Education.** 28.7.41

601 29.7.41 **Minister for Local Self-Government and Public Health.** 29.7.41

Law Secy. with compliments

Probate and administration (amendment) Bill.

neral and Revenue Secretariat R. A. & L. C.	File No.	of 194 .	[App. F. II.
	38 NL		

Serial No.

The Bill sent by the High Court has been put in Resp

from and is submitted.

A.D.J.N. is also put up

Secy (RA & Le) Law Secy

D.J.N. submits

Minister for Law.)

J.N. signed by Ministers

Hon 2 6/8/41

9-8-41

S.N. submitted

Dewan)

Hon 2 11/8/41.

DEWAN'S OFFICE
12 AUG. 1941
NO 231

SECY. LAW DEPT.
6 AUG. 1941
GOVT OF MYSORE

OFFICE OF THE MINISTER FOR LAW
AUG 8 1941
No 201

Final Note by the Minister for Law.

Subject.—

The Probate and Administration (amendment) Bill.

Under the Probate and Administration Act, 1914, no Court can entertain an application for probate or letters of administration until the Government has by notification authorised it to do so. Under a notification issued in 1914 soon after the passing of the Act, the High Court and all District Judges have been authorised to receive such applications.

The High Court have recently expressed the opinion that, with view to encourage parties to apply for probate and letters of administration, courts of particular subordinate judges also should be similarly empowered. Such a course is also expected to relieve the district courts of some work.

But as the Act stands at present, subordinate courts cannot be so empowered to receive applications. They can only be empowered under Section 52 to grant probate and letters of administration in non-contentious cases, the applications themselves having been previously filed before the District Judge.

An amendment of the Act is therefore necessary and the High Court have sent a draft Bill for consideration. It is proposed to place the general principles of the Bill before the Representative Assembly in October 1941 and to introduce the Bill thereafter in the Legislative Council.

The Dewan and other Ministers are agreeable to the above proposals. I solicit the gracious approval of His Highness to the proposals.

MINISTER FOR LAW.

Camp Bhadravati,
9th August 1941.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the Probate and Administration (amendment) Bill, for His Highness's gracious approval.

M. Visvesvaraya

DEWAN.

Bangalore,
12th August 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

The Probate and Administration (amendment) Bill.

Order.

14/8/41.

General and Revenue

Secretariat.

SUBJECT:—

The probate and Administration (amendment) Bill.

(*).

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department. 15/8/41.

833/18.8.41 Minister for Finance and Revenue. 19.8.41

15.91/16.8.41 Minister for Law. 16/8

1303/16.8.41 Minister for Education. 17.8.41

1142/22.8.41 Minister for Local Self-Govt. and Public Health. 22.8.41

Law Secy. with compliments

WD 02878—GPB—300—26-6-41

27/8/41

(163)

Probate and administration (amendment) Bill

General and Revenue Secretariat
R. A. & L. C.

File No. 38 RL of 194 . App. F. III-2

Serial No.

OFFICE OF THE MINISTER
NOV 12 1941
No. 4620

need to refer to a Select Committee. It is open to a member to move a an amendment that the Bill should be referred to a Select Committee under S.O. 31 (2) (a). The following motions are therefore suggested:

1. Motion that the Bill published under rule 36 of the Mysore Legislative Rules be taken into Consideration by the Council at once.

Move: Minister for Law

Second: Law Secretary

1. Motion that the Bill be passed.

Move Minister for Law.

Second Law Secretary.

SECY: LAW DEPT.
11 NOV 194
GOVT OF MYSORE

11-11-41

Law Secy)

for personal

Minister for Law.)

Hm
2
11/11/41.
11-11-41

Please see note on Insolvency Bill file

12/11

Hm
2
13.11.41.

Orders of the Minister for Law have been obtained on the Insolvency (amendment) Bill file re motions.

A chit may be taken to circulate the motions to the members of the L.C.

13.11.41

Sted

13/11/41 BVN 20/11

The Probate and administration (amendment) Bill

of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

The Bill was introduced in the L.C. and passed by it at one sitting.

A copy of the Bill signed by the President was put up as required by the S.O.

A D.J.N. is put up

27.12.41

Law Secy)

D.J.N. submitted

Minister for Law)

Hm 27.12.41.

J.N. signed.

29/11

S.N. is submitted

31.12.41

Law Secy)

S.N. is submitted

Hm 2/1/42

2.1.42

OFFICE OF THE MINISTER FOR LAW
DEC 29 1941
No 6566

SECY. LAW DEPT.
27 DEC. 1941
GOVT OF MYSORE

DEWAN'S OFFICE
3. JAN. 1942
NO 5688

SECY. LAW DEPT.
2 JAN. 1942
GOVT OF MYSORE

Final Note by the Minister for Law.

Subject.—

The Probate and Administration (amendment) Bill.

The gracious approval of His Highness was accorded on 14th August 1941 to place the general principles of the Probate and Administration (amendment) Bill before the Representative Assembly in October 1941 and to introduce the Bill thereafter in the Legislative Council.

The statement of principles of the Bill which was accordingly placed before the Representative Assembly in October was approved by that House. The Bill was introduced in the Legislative Council during its recent session and was passed by that House at one sitting. A copy of the Bill as passed by the Council and signed by the President in accordance with Standing Order 44 of the Mysore Legislative Council Standing Orders, is also put up herewith.

I now solicit the gracious sanction of His Highness to promulgate the Bill into law.

MINISTER FOR LAW.

Bangalore,
29th December 1941.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the promulgation into law of the Probate and Administration (amendment) Bill for His Highness's gracious approval.

N Madhava Rao

DEWAN.

Camp Trivandrum,
5th January 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Probate and Administration (amendment) Bill.

Order.

JRW.
6/1/'42.

General and Revenue

Secretariat.

C645

SUBJECT:—

Promulgation into law of the Probate and Administration (amendment) Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....L..a..w.....Department.

17.1.42

4012/20.1.42 Minister for Finance and Revenue. 21.1.42

3372/19.1.42 Minister for Law. 20-1-42

3983/22.1.42 Minister for Education. 23.1.42

Minister for Local Self-Govt. and Public Health. (on deputation)

Law Secy. with Compliments.

23/1/42

WD 04199—GPB—500—27-9-41

23.1.42

26.1.42

Re Probate and administration (amendment) Act

General and Revenue Secretariat R. A. & L. C. | Leg. | File No. 33 1:31:1 of 194 /. | App. F. III-2

Serial No.

The previous assent of His Highness was accorded on 6.1.42 & promulgate the Bill into Law

draft G.O. directing is publication as Act VII of 1942 is put up.

27.1.42

Secy (Rev)

BKR 27.1.42

Law Secy

27.1.42

27.1.42

BKR 29.1.42

SECY. LAW DEPT. 27 JAN 1942 MYSORE

dated 27-1-42

Issued No. RL 1317 - Leg-is 38-41-1 to the Compiler Mysore Gazette, directing publication of the probate and administration (amendment) Act, 1942 as Act No VII of 1942

The file may be recorded if approved

26.5.42

27.5.42

H. Admin. (F) No. 5.

D. Dis
R.O.C. No. 268
Dis. 39-40

SECY. LAW DE
2 MAY 19
GOVT OF MYSORE

7204/38

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 2nd May *1940*

FROM

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

REGISTRAR
2
MAY 1940

To

H.V. Narayana Rao, Esq., B.A., LL.B
Secretary to Government,
Law Department, Bangalore.

SIR,

I am directed to state that under Government Notification No.J.762/Legis.18-14-1, dated 15th September 1914, only the High Court and District Judges have been authorised to receive applications for probate and letters of administration. The High Court is of opinion that all reasonable action ought to be taken to encourage parties to apply for probate and letters of administration about which there is far too much reluctance at present, and that it would be convenient to empower Subordinate Judges at District Headquarters other than Bangalore, Mysore and Shimoga, where there are District Courts, to entertain such applications up to the ordinary limit of their pecuniary jurisdiction. That would also relieve the District Courts of some work. But at present it appears that Subordinate Judges cannot be so empowered except in non-contentious cases under the Probate and Administration Act. The High Court therefore suggest that at a convenient opportunity legislation may be undertaken to enable the Government to empower the Courts of particular Subordinate Judges to grant probate and letters of administration in cases within their ordinary pecuniary jurisdiction.

I have the honour to be,

Sir,

Your most obedient servant,

B. Acharya

For Registrar (awaiting vacation)

THE PROBATE AND ADMINISTRATION (AMENDMENT) ~~ACT~~ BILL.

WHEREAS it is expedient to amend the Probate and Administration Act,1914;

It is hereby enacted as follows:-

Short title and Commencement.

1.(1) This Act may be called the Probate and Administration (amendment) Act,194

(2) It shall come into force at once.

Amendment of section 52, Act VI of1914.

2. In section 52 of the Probate and Administration Act,1914, the words, "in non-contentious cases" shall be omitted.

No.P2168/Rev/1
& 29.10.40

Draft)

The Registrar, High Court of Mysore.

Sir,

I am directed to invite reference to your letter No.D.Dis 268/39-40 dated 2nd May 1940 regarding the amendment of the Probate and Administration Act, 1914 and to forward a draft Bill seeking to amend the abovementioned Act and to enquire whether it will meet the purposes in view.

I have etc.,

28/10/40

Secretary to Government
Law Department.

322-84
P

R. O. C. No. 16
D. Dis. 1 G1-42

Encl one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 15th July 1941 ~~1941~~.

FROM

T. SHAMIENGAR, ESQ., B.A., B.L.,
Registrar, High Court of Mysore.

To

16/7/41

H.V. NARAYANA RAO, ESQ., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

SIR,

With reference to your letter No.P.2168, dated 29 October 1940, forwarding for opinion of the High Court a draft Bill to amend the Probate and Administration Act of 1914, I am directed to state that on consideration it has been found that more extensive amendments of the Act than in the draft sent by you are needed to carry out the purpose of the High Court. A draft Bill, which appears to be sufficient, is enclosed for consideration by the Government.

I have the honour to be,

Sir,

Your most obedient servant,

T Shamiengar
REGISTRAR.

ol

Amendments of Sections 58, 71 72 and 73, Act VI of 1914.

5. Sections 58, 71, 72 and 73 of the Probate and Administration Act, 1914, shall be deleted.

Amendment of Sections 61 and 63, Act VI of 1914.

6. Substitute the following for Sections 61 and 63 of the Probate and Administration Act, 1914:

"61. Application for probate or for letters of administration with the will annexed shall be made by a petition distinctly written in English or Kannada with the will, or, in the cases mentioned in sections 24, 25 and 26, a copy draft or statement of the contents thereof, annexed, and stating -

the time of the testator's death,
that the writing annexed is his last will and testament, or as the case may be,
that it was duly executed,
the amount of assets which are likely to come to the petitioner's hands,
where the application is for probate, that the petitioner is the executor named in the will; and
that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge or District Delegate.

63. Application for letters of administration shall be made by petition distinctly written as aforesaid, and stating -

the time and place of the deceased's death,
the family or other relatives of the deceased, and their respective residences,
the right in which the petitioner claims,
the amount of assets which are likely to come to the petitioner's hands; and
that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge or District Delegate."

Amendment of Section 76, Act VI of 1914.

7. In section 76 of the Probate and Administration Act, the words "or District Delegate" shall be inserted after the words "Judge of the District Court" and also after the word "Judge" where it occurs in other places in the section.

REGISTRAR.

Statement of General Principles.

Under the second proviso to section 2 of the Probate and Administration Act, 1914, no Court can receive applications for probate or letters of administration until the Government has, by a Notification in the Official Gazette, authorised it to do so.

Soon after the Act was passed (in 1914) a Notificati was issued by Government (Notification No.J.762/ 18-14-1 dated 15th September 1914) authorising th High Court and all District Judges in Mysore, to receive applications for probate and letters of administration.

The High Court have recently expressed the opinion that all reasonable action ought to be taken to encourage parties to apply for probate and letters of administration about which, they state, there is far too much reluctance at present They have therefore suggested that it would be convenient to empower subordinate Judges - at least at District Headquarters other than Bangalor Mysore and Shimoga - to entertain such application Such a course is also expected to relieve the Dis trict Courts of some work.

But as the Act stands at present, Subordina Courts cannot be ~~so~~ empowered, ~~except in non-contentious cases~~ to receive applicatio. It is accordingly proposed to amend the Probate and Aminidstration Act in order to enable Government to empower courts other than the District Courts to receive applications. The present Bill is intended for this purpose

(to be laid before the House.)

Statement of General Principles.

Under the second proviso to section 2 of the Probate and Administration Act, 1914, no Court can receive applications for probate or letters of administration until the Government has, by a notification in the Official Gazette, authorised it to do so.

Soon after the Act was passed in 1914 a notification was issued by Government (Notification No.J.763/Legis.14-14-1 dated 15th September 1914) authorising the High Court and all District Judges in Mysore, to receive applications for probate and letters of administration.

The High Court have recently expressed the opinion that all reasonable action ought to be taken to encourage parties to apply for probate and letters of administration about which, they state, there is far too much reluctance at present. They have therefore suggested that it would be convenient to empower subordinate judges - at least at District Headquarters other than Bangalore, Mysore and Shimoga to entertain such applications. Such a course is also expected to relieve the District Courts of some work.

But as the Act stands at present, subordinate Courts cannot be empowered to receive applications. It is accordingly proposed to amend the Probate and Administration Act in order to enable Government to empower courts other than the District Courts to receive applications. The present Bill is intended for this purpose. They can only be empowered under section 28 to grant probate and letters of administration in non-contentious cases, the applications themselves having been previously filed before the District Judge.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No. 905 RL Executive Dated, Bangalore, 6th November 1941.

NOTIFICATION.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the gazette of the accompanying Probate and Administration (Amendment) Bill, together with the statement of objects and reasons.

By Order,

for Secretary to Government,
Law Department.
DM
7.11.41

The Compiler, Mysore Gazette, for publication in Part IV of the gazette and supply of 350 copies to the Secretariat.

Memo No. 906 RL Dated, Bangalore, 6th November 1941.

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By Order,

For Secretary to Government,
Law Department.
DM
7.11.41

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 905 General and Revenue Secretariat,

Dated Bangalore, 8th November 1941.

NOTIFICATION.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the gazette of the accompanying robate and Administration (Amendment) Bill, together with the statement of objects and reasons.

By order,

Sd. T.V. Narayana Rao

Secretary to Government,
Law Department.

The Compiler, Mysore Gazette, for publication in Part I/ of the gazette and supply of 350 copies to the Secretariat.

Memo No. 906 Dated, Bangalore, 8th November 1941.

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By Order,

Per Secretary to Government,
Law Department.

15. THE PROBATE (ADMINISTRATION (AMENDMENT) BILL.

Statement of Principles.

Under the second proviso to Section 2 of the Probate and Administration Act, 1914, no Court can receive applications for probate or letters of administration until the Government has, by a notification in the official Gazette, authorised it to do so.

Soon after the Act was passed in 1914, a notification was issued by Government (Notification No. J. 762/Legis. 18-14-1, dated 15th September 1914), authorising the High Court and all District Judges in Mysore, to receive applications for probate and letters of administration.

The High Court have recently expressed the opinion that all reasonable action ought to be taken to encourage parties to apply for probate and letters of administration about which, they state, there is far too much reluctance at present. They have therefore suggested that it would be convenient to empower subordinate judges—at least at District Headquarters other than Bangalore, Mysore and Shimoga to entertain such applications. Such a course is also expected to relieve the District Courts of some work.

But as the Act stands at present, Subordinate Courts cannot be empowered to receive applications. They can only be empowered under section 52 to grant probate and letters of administration in non-contentious cases, the applications themselves having been previously filed before the District Judge. It is accordingly proposed to amend the Probate and Administration Act in order to enable Government to empower courts other than the District Courts to receive applications. The present Bill is intended for this porpose.

The Probate and Administration (Amendment) Bill.

Whereas it is expedient to amend the Probate and Administration Act, 1914;

It is hereby enacted as follows :—

Short Title and Commencement.

1. (1) This Act may be called the Probate and Administration (amendment) Act, 194 .

(2) It shall come into force at once.

Amendment of Section 52, Act VI of 1914.

2. In section 52 of the Probate and Administration Act, 1914 (hereinafter referred to as the said Act)—

(*a*) the words "in non-contentious cases" shall be omitted;

(*b*) the words, "and pecuniary" shall be inserted between the words "local" and "limits"; and

(*c*) the words "and to revoke Probates or Letters of Administration granted by them" shall be added at the end.

Amendment of Sections 53, 54, 55, 56 and 81 of Act VI of 1914.

3. In sections 53, 54, 55, 56 and 81 of the said Act, after the word "Judge" wherever it occurs, the words "or District Delegate" shall be inserted.

the result of the ignition of petroleum or petroleum vapour, if such accident was attended with serious injury to person or property, notwithstanding that no person was killed thereby.

(3) The result of all inquiries held in pursuance of this section shall be submitted as soon as may be to the Government and the Chief Inspector of Mines and Explosives in Mysore.

SUPPLEMENTAL.

29. (1) In making any rules under this Act, the Government may—

provide for any matter ancillary to such rules for which in its opinion provision is necessary to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroleum, and

make special provision for the special circumstances of any area or plac

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication

(3) All rules made under this Act shall be published in the official Gazette.

30. (1) The Government may, by notification in the official Gazette apply any or all of the provisions of this Act, and of the rules made thereunder with such modifications as it may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum.

(2) The Government may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1) and such rules may supplement any of the provisions of Chapter III in order to adapt them to the special needs of such tests.

Amendment of Section 57, Act VI of 1914.

4. In section 57 of the said Act, for the words,

'when the application is made to the Judge of the District in which the deceased had no fixed abode at the time of his death, the Judge may" the following words shall be substituted, namely—

"when the application is made to the District Judge or the District Delegate within whose jurisdiction the deceased had no fixed abode at the time of his death, the Judge or District delegate may";

Omission of Sections 58, 71, 72 and 73 of Act VI of 1914.

5. Sections 58, 71, 72 and 73 of the said Act shall be omitted.

Substitution of new section for Section 61, Act VI of 1914.

6. For Section 61 of the said Act, the following section shall be substituted, namely—

Petition for Probate.

'61. Application for probate or for letters of administration with the will annexed shall be made by a petition distinctly written in English or Kannada with the will, or, in the cases mentioned in sections 24, 25 and 26, a copy of draft or statement of the contents thereof, annexed, and stating—

(*a*) the time of the testator's death,
(*b*) that the writing annexed is his last will and testament, or as the case may be,
(*c*) that it was duly executed,
(*d*) the amount of assets which are likely to come to the petitioner's hands,
(*e*) where the application is for probate, that the petitioner is the executor named in the will; and
(*f*) that the deceased at the time of his deatn nad a fixed place of abode or had some property situate within the jurisdiction of the Judge or District Delegate."

Substitution of new section for Section 63 Act VI of 1914.

7. For Section 63 of the said Act, the following section shall be substituted, namely,—

"63. Application for letters of administration shall be made by petition distinctly written as aforesaid, and stating—

(*a*) the time and place of the deceased's death,
(*b*) the family or other relatives of the deceased, and their respective residences,
(*c*) the right in which the petitioner claims,
(*d*) the amount of assets which are likely to come to the petitioner's hands; and
(*e*) that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge or District Delegate."

Amendment of Section 76, Act VI of 1914.

8. In Section 76 of the said Act, after the word "Judge" wherever it occurs and after the words "Judge of the District Court" the words "or District Delegate" shall be inserted.

In the major cotton tracts in India there is legislation controlling the cultivation and transport of inferior cotton so as to safeguard the quality and reputation of the cotton grown in particular tracts. The Cotton Transport Act of 1923 provides for the prohibition of import of cotton or any specified kind of cotton into any protected area notified under the Act. The Madras Cotton Control Act of 1932 and the Bombay Cotton Control Act of 1935, prohibit the cultivation of specified varieties of inferior cotton in 'controlled areas' notified under the Act. Similar legislation has been introduced in some other provinces also.

In Mysore there is no such legislation at present and the cultivation of a very inferior short-staple cotton known as Bokda cotton is being started for adulteration with the medium staple cotton grown in Chitaldrug. It is therefore necessary to introduce legislation to prohibit the cultivation and transport of inferior cotton to controlled areas. In new areas like the Irwin Canal area where very superior cotton is being grown under irrigation, it is necessary to safeguard the purity of the varieties of cotton grown. Hence the necessity to control the construction of ginning and pressing factories by the issue of licenses.

In the proposed Bill all necessary provisions relating to the prohibition of cultivation or transport of specified varieties of cotton and the licensing of ginning factories have been made.

NOTIFICATION.

No. Rl. 905, *dated Bangalore, the* 8—10*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Probate and Administration (Amendment) Bill, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

THE PROBATE AND ADMINISTRATION (AMENDMENT) BILL.

Statement of Objects and Reasons.

Under the second proviso to Section 2 of the Probate and Administration Act, 1914, no Court can receive applications for probate or letters of administration until the Government has, by a notification in the official Gazette, authorised it to do so.

Soon after the Act was passed in 1914, a notification was issued by Government (Notification No. J. 762/Legis. 18-14-1, dated 15th September 1914), authorising the High Court and all District Judges in Mysore, to receive applications for probate and letters of administration.

The High Court have recently expressed the opinion that all reasonable action ought to be taken to encourage parties to apply for probate and letters of administration about which, they state, there is far too much reluctance at present. They have therefore suggested that it would be convenient to empower subordinate judges—at least at District Headquarters other than Bangalore, Mysore and Shimoga to entertain such applications. Such a course is also expected to relieve the District Courts of some work.

But as the Act stands at present, Subordinate Courts cannot be empowered to receive applications. They can only be empowered under section 52 to grant probate and letters of administration in non-contentious cases, the applications themselves having been previously filed before the District Judge. It is accordingly proposed to amend the Probate and Administration Act in order to enable Government to empower courts other than the District Courts to receive applications. The present Bill is intended for this porpose.

The Probate and Administration (Amendment) Bill.

Whereas it is expedient to amend the Probate and Administration Act, 1914;

It is hereby enacted as follows :—

1. (1) This Act may be called the Probate and Administration (amendment) Act, 194

(2) It shall come into force at once.

2. In section 52 of the Probate and Administration Act, 1914 (hereinafter referred to as the said Act)—

(*a*) the words "in non-contentious cases" shall be omitted;

(*b*) the words, "and pecuniary" shall be inserted between the words "local" and "limits"; and

(*c*) the words "and to revoke Probates or Letters of Administration granted by them" shall be added at the end.

3. In sections 53, 54, 55, 56 and 81 of the said Act, after the word "Judge" wherever it occurs, the words "or District Delegate" shall be inserted.

4. In section 57 of the said Act, for the words,

"when the application is made to the Judge of the District in which the deceased had no fixed abode at the time of his death, the Judge may" the following words shall be substituted, namely—

"when the application is made to the District Judge or the District Delegate within whose jurisdiction the deceased had no fixed abode at the time of his death, the Judge or District delegate may";

5. Sections 58, 71, 72 and 73 of the said Act shall be omitted. Omission of Sections 58, 71, 72 and 73 of Act VI of 1914.

6. For Section 61 of the said Act, the following section shall be substituted, namely— Substitution of new section for Section 61, Act VI of 1914.

"61. Application for probate or for letters of administration with the will annexed shall be made by a petition distinctly written in English or Kannada with the will, or, in the cases mentioned in sections 24, 25 and 26, a copy of draft or statement of the contents thereof, annexed, and stating— Petition for Probate.

(*a*) the time of the testator's death,
(*b*) that the writing annexed is his last will and testament, or as the case may be,
(*c*) that it was duly executed,
(*d*) the amount of assets which are likely to come to the petitioner's hands,
(*e*) where the application is for probate, that the petitioner is the executor named in the will; and
(*f*) that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge or District Delegate."

7. For Section 63 of the said Act, the following section shall be substituted, namely,— Substitution of new section for Section 63 Act VI of 1914.

"63. Application for letters of administration shall be made by petition distinctly written as aforesaid, and stating—

(*a*) the time and place of the deceased's death,
(*b*) the family or other relatives of the deceased, and their respective residences,
(*c*) the right in which the petitioner claims,
(*d*) the amount of assets which are likely to come to the petitioner's hands; and
(*e*) that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge or District Delegate."

8. In Section 76 of the said Act, after the word "Judge" wherever it occurs and after the words "Judge of the District Court" the words "or District Delegate" shall be inserted. Amendment of Section 76, Act VI of 1914.

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5. Sections 58, 71, 72 and 73 of the said Act shall be omitted. Omission of Sections 58, 71, 72 and 73 of Act VI of 1914.

6. For Section 61 of the said Act, the following section shall be substituted, namely— Substitution of new section for Section 61, Act VI of 1914.

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(*d*) the amount of assets which are likely to come to the petitioner's hands; and
(*e*) that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge or District Delegate."

8. In Section 76 of the said Act, after the word "Judge" wherever it occurs and after the words "Judge of the District Court" the words "or District Delegate" shall be inserted. Amendment of Section 76, Act VI of 1914.

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Bill as passed by the Legislative Council

D. H. Chandrashekaraiya
President 26/12/14

By Legislative Council

NOTIFICATION.

No. Rl. 905, *dated Bangalore, the* 8—10*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Probate and Administration (Amendment) Bill, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

THE PROBATE AND ADMINISTRATION (AMENDMENT) BILL.

Statement of Objects and Reasons.

Under the second proviso to Section 2 of the Probate and Administration Act, 1914, no Court can receive applications for probate or letters of administration until the Government has, by a notification in the official Gazette, authorised it to do so.

Soon after the Act was passed in 1914, a notification was issued by Government (Notification No. J. 762/Legis. 18-14-1, dated 15th September 1914), authorising the High Court and all District Judges in Mysore, to receive applications for probate and letters of administration.

The High Court have recently expressed the opinion that all reasonable action ought to be taken to encourage parties to apply for probate and letters of administration about which, they state, there is far too much reluctance at present. They have therefore suggested that it would be convenient to empower subordinate judges—at least at District Headquarters other than Bangalore, Mysore and Shimoga to entertain such applications. Such a course is also expected to relieve the District Courts of some work.

But as the Act stands at present, Subordinate Courts cannot be empowered to receive applications. They can only be empowered under section 52 to grant probate and letters of administration in non-contentious cases, the applications themselves having been previously filed before the District Judge. It is accordingly proposed to amend the Probate and Administration Act in order to enable Government to empower courts other than the District Courts to receive applications. The present Bill is intended for this porpose.

The Probate and Administration (Amendment) Bill.

Whereas it is expedient to amend the Probate and Administration Act, 1914;

It is hereby enacted as follows:—

Short Title and Commencement.

1. (1) This Act may be called the Probate and Administration (amendment) Act, 194

(2) It shall come into force at once.

Amendment of Section 52, Act VI of 1914.

2. In section 52 of the Probate and Administration Act, 1914 (hereinafter referred to as the said Act)—

(*a*) the words "in non-contentious cases" shall be omitted;

(*b*) the words, "and pecuniary" shall be inserted between the words "local" and "limits"; and

(*c*) the words "and to revoke Probates or Letters of Administration granted by them" shall be added at the end.

Amendmen of Sections 53, 54, 55, 56 and 81 of Act VI of 1914.

3. In sections 53, 54, 55, 56 and 81 of the said Act, after the word "Judge" wherever it occurs, the words "or District Delegate" shall be inserted.

Amendment of Section 57, Act VI of 1914.

4. In section 57 of the said Act, for the words,

"when the application is made to the Judge of the District in which the deceased had no fixed abode at the time of his death, the Judge may" the following words shall be substituted, namely—

"when the application is made to the District Judge or the District Delegate within whose jurisdiction the deceased had no fixed abode at the time of his death, the Judge or District delegate may"

G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT.....

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Section. Legs
File No. ~~33~~ 4/38-
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. R.L. 1317.

GENERAL AND REVENUE SECRETARIAT,
( )
the.....*191*

Ordered that the accompanying Act to amend the Probate and Administration Act, 1914

which received the assent of His Highness the Maharaja, on the 8th day of January 1942,

Date of issue.....

Signed by.....

be published as ~~Regulation~~ Act No. VII of 1942, in the *Mysore Gazette* for general information.

27.1.42

Secretary to Government.
Law Department

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Spare copies as per standing orders

NOTIFICATION.

No. Rl. 905, *dated Bangalore, the* 8—10*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Probate and Administration (Amendment) Bill, together with the statement of objects and reasons.

By Order,

H. V NARAYANA RAO,

Secretary to Government,
Law Department.

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Soon after the Act was passed in [illegible] was issued by Government (Notification No. J. 762/Legis. 18-14-1, dated 15th September 1914), authorising the High Court and all District Judges in Mysore, to receive applications for probate and letters of administration.

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Act no VII of 1942

The Probate and Administration (Amendment) ~~Bill~~ Act,

(Received the assent of His Excellency the Governor on the 6th day of January 1942)

Whereas it is expedient to amend the Probate and Administration Act, 1914;

It is hereby enacted as follows:—

1. (1) This Act may be called the Probate and Administration (amendment) Act, 1942.

(2) It shall come into force at once.

2. In section 52 of the Probate and Adminis Act, 1914 (hereinafter referred to as the said Act)—

(*a*) the words "in non-contentious cases" s omitted;

(*b*) the words, "and pecuniary" shall be in between the words "local" and "li and

(*c*) the words "and to revoke Probates or Le Administration granted by them" sl added at the end.

3. In sections 53, 54, 55, 56 and 81 of the sa after the word "Judge" wherever it occurs, the 'or District Delegate" shall be inserted.

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"when the application is made to the Judge of t District in which the deceased had no fixed abode at the time of his death, the Judge may" the following words shall be substituted, namely—

"when the application is made to the District Judge or the District Delegate within whose jurisdiction the deceased had no fixed abode at the time of his death, the Judge or District delegate may"

5. Sections 58, 71, 72 and 73 of the said Act shall be omitted. Omission of Sections 58, 71, 72 and 73 of Act VI of 1914.

6. For Section 61 of the said Act, the following section shall be substituted, namely— Substitution of new section for Section 61, Act VI of 1914.

61. Application for probate or for letters of administration with the will annexed shall be made by a petition distinctly written in English or Kannada with the will, or, in the cases mentioned in sections 24, 25 and 26, a copy of draft or statement of the contents thereof, annexed, and stating— Petition for Probate.

(*a*) the time of the testator's death,
(*b*) that the writing annexed is his last will and testament, or as the case may be,
(*c*) that it was duly executed,
(*d*) the amount of assets which are likely to come to the petitioner's hands,
(*e*) where the application is for probate, that the petitioner is the executor named in the will; and
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(*c*) the right in which the petitioner claims,
(*d*) the amount of assets which are likely to come to the petitioner's hands; and
(*e*) that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge or District Delegate."

8. In Section 76 of the said Act, after the word 'Judge" wherever it occurs and after the words "Judge of the District Court" the words "or District Delegate" shall be inserted. Amendment of Section 76, Act VI of 1914.

Printed by the Superintendent at the Government Press, Bangalore

(sd) N. Madhava Rau
Dewan

NOTIFICATION.

Order No. R. L. 1317—*Legis.* 38-41-1, *dated Bangalore, the 27th January* 1942.

Ordered that the accompanying Act to amend the Probate and Administration Act, 1914, which received the assent of His Highness the Maharaja, on the 6th day of January 1942, be published as Act No. VII of 1942, in the *Mysore Gazette* for general inforation.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. VII OF 1942.

The Probate and Administration (amendment) Act, 1942

(*Received the assent of His Highness the Maharaja on the 6th day of January* 1942.)

Whereas it is expedient to amend the Probate and Administration Act, 1914;

It is hereby enacted as follows :—

1. (1) This Act may be called the Probate and Administration (amendment) Act, 1942. **Short title and Commencement.**

(2) It shall come into force at once.

2. In section 52 of the Probate and Administration Act, 1914 (hereinafter referred to as the said Act)— **Amendment of section 52, Act VI of 1914.**

(*a*) the words "in non-contentious cases" shall be omitted;

(*b*) the words, "and pecuniary" shall be inserted between the words "local" and "limits" and

(*c*) the words "and to revoke probates or letters of administration granted by them" shall be added at the end.

Amendment of sections 53, 54, 55, 56 and 81 of Act VI of 1914.

3. In sections 53, 54, 55, 56 and 81 of the said Act after the word "Judge" wherever it occurs, the words or District Delegate" shall be inserted.

Amendment of section 57 Act VI of 1914.

In section 57 of the said Act, for the words,

"when the application is made to the Judge of the District in which the deceased had no fixed abode at the time of his death, the Judge may" the following words shall be substituted, namely

"when the application is made to the District Judge or the District Delegate within whose jurisdiction the deceased had no fixed abode at the time of his death, the Judge or District Delegate may"

5. Sections 58, 71, 72 and 73 of the said Act shall

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8. In section 76 of the said Act, after the word "Judge" wherever it occurs and after the words "Judge of the District Court" the words "or District Delegate" shall be inserted. Amendment of section 76, Act VI of 1914.

N. MADHAVA RAU,
Dewan.